

**REMARKS/ARGUMENTS**

At the outset, Applicants wish to thank Examiner Small for taking her time to conduct a telephonic interview with Applicants on December 18, 2003. During the interview Applicants concerns regarding the current Office Action were clarified and a strategy for response was discussed between Applicants and Examiner Small.

During the interview, Applicants expressed interest in setting forth a generic concept of the invention that Applicants believe is focused on certain preferred inventive features of the application and would not impose a serious search burden on the Office. The Examiner indicated that she would be willing to consider such a generic concept and advised Applicants to present the proposed generic structure in the Response. Applicant's new proposed generic structure is presented in new claim 35 of the present amendment and encompasses the previously elected species.

Therefore, upon entry of the present amendment, claims 35-59 are pending and presented for examination. Claims 1-34 are canceled without prejudice or disclaimer. Claims 35-59 are newly added and find support throughout the specification as filed. More particularly, support for claims 35-36, 44-45 and 52-53 is found, *inter alia*, in Formula II, on page 11 and also on page 11, line 18, bridging to page 12, line 3, and examples wherein B is unsubstituted (*see*, Examples 1, 8, 9 and 12). Moreover, specific support for the recitation of "CO<sub>2</sub>Me", "hydroxyl", "amino" and "acetoamido" in line 11 of claim 35 and line 12 of claims 44 and 52 is found, *inter alia*, in Examples 3, 12, 32, 51 and 58. Support for the recitation of "pharmaceutically acceptable salts" and "pharmaceutical composition" in claim 52 is found, *inter alia*, on page 17, lines 9-12. Support for claims 40, 49 and 57 is found, *inter alia*, on page 11, line 18 bridging to page 12, line 3, and in Examples 16-59 wherein numerous working examples of trifluorosubstituted compounds are provided. Support for claim 43 is found, *inter alia*, in claim 14 as originally filed. Support for the NR<sup>16</sup>R<sup>17</sup> groups in claims 37, 41, 46, 50, 54 and 58 is found, *inter alia*, in claim 12 as originally filed and in Examples 32, 33, 46 and 112. Support for the preferred substituents on the phenyl group, B, in claims 38-39, 57-48 and 55-56 is found,

Appl. No. 09/759,633  
Amdt. dated February 3, 2004  
Reply to Office Action of October 3, 2003

PATENT

*inter alia*, on page 12, lines 9-12 and in Examples 3, 26 and 33. Support for claims 42, 51 and 59 is found, *inter alia*, in Examples 26, 32, 33, 46 and 112.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for substantive examination.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

  
William B. Kezer  
Reg. No. 37,369

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 925-472-5000  
Fax: 415-576-0300  
WBK:sc  
60106136 v1